

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JORDIN WALSTON, individually and on behalf of her infant child, L.W.

Plaintiffs,

V.

CITY OF NEW YORK; MICHELLE
LAFONTANT; IRENE RENDON;
SHARON FAULK JEAN-PIERRE; JANE
DOE; MONTEFIORE MEDICAL CENTER;
and CARMEN DELEON,

Defendants.

Case No. 1:22-cv-10002-LAK-JW

MONTEFIORE MEDICAL CENTER AND CARMEN DELEON'S
ANSWER AND AFFIRMATIVE DEFENSES

Defendants Montefiore Medical Center (“Montefiore”) and Carmen Deleon (“Deleon”) (collectively, “Defendants”) filed a motion to dismiss the First Amended Complaint on June 15, 2023. ECF Nos. 53 and 54. On February 9, 2024, this Court heard oral argument on Defendants’ Motion to Dismiss. On March 7, 2024, Magistrate Willis recommended that the motion to dismiss the equal protection claim against Montefiore be granted but the motion to dismiss be denied in all other respects. ECF No. 79. On April 1, 2024, this Court entered a final order on the motion to dismiss, which adopted Magistrate Willis’s Report and Recommendation in full. ECF No. 81. Defendants by and through their attorneys, Wiggin and Dana, LLP, now hereby answer Plaintiffs Jordin Walston (“Walston”) and L.W.’s (collectively, “Plaintiffs”) First Amended Complaint and assert Affirmative Defenses as follows:

1. Denied.
2. Denied.

3. Denied.

4. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

5. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

6. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

7. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

8. Denied.

9. The allegations contained in this Paragraph constitute a characterization of claims to which no response is required.

JURISDICTION AND VENUE

10. Admitted.

PARTIES, JURISDICTION, AND VENUE

11. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in sentence one of this Paragraph. Defendants admit the allegations contained in sentence two of this Paragraph.

12. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

13. Admitted.

14. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

15. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

16. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

17. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

18. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

19. The allegations contained in this Paragraph constitute a characterization of certain former co-defendants to which no response is required.

20. Defendants admit the allegations in sentences one and two of this Paragraph. The allegations contained in sentence three of this Paragraph constitute a characterization of claims to which no response is required.

21. Denied.

22. Denied.

PROCEDURAL REQUIREMENTS

23. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

24. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

FACTS

25. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

26. Denied.

27. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

28. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

29. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

30. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

31. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

32. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

33. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

34. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

35. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

36. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

37. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

38. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

39. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

40. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

41. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

42. Admitted that medical staff at Montefiore did not prescribe Walston psychiatric medication while she was pregnant between July 29, 2019 and November 27, 2019.

43. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

44. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

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46. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

47. Admitted that Walston went into labor in November 2019 and went to Montefiore, where she gave birth to L.W.

48. Admitted that Walston and L.W. remained at Montefiore for the next two days. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in this Paragraph.

49. Admitted that medical staff at Montefiore noted that L.W. was healthy and that L.W. would be discharged with Walston when cleared by a social worker, but denied as to the remainder of the allegations in this Paragraph.

50. Admitted that doctors at Montefiore knew that Walston had suffered from mental illness in the past but denied as to the remainder of the allegations in this Paragraph.

51. Denied.

52. Denied.

53. Denied.

54. Denied.

55. The allegations contained in this Paragraph constitute sociological commentary to which no response is required.

56. Denied.

57. The allegations contained in this Paragraph constitute sociological commentary to which no response is required.

58. Admitted that Deleon called the New York State Central Register of Child Abuse and Maltreatment after her interaction with Walston but denied as to the remainder of the allegations in this Paragraph.

59. Denied.

60. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

61. Denied.

62. Denied.

63. The allegations in this Paragraph constitute conclusions of law to which no response is required. To the extent a response is required, Defendants state that N.Y. Soc. Serv. L. §§417(1)(a) and 417(2) speak for themselves. Defendants deny any implication that they have acted in violation of this law.

64. Denied.

65. Denied.

66. Denied.

67. Denied.

68. Denied.

69. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

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71. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

72. The allegations in this Paragraph constitute conclusions of law to which no response is required. To the extent a response is required, Defendants state that N.Y. Soc. Serv.

L. §§ 424, 412(6), and 412(7) speak for themselves. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegation that “almost two-thirds of the reports” transmitted to local child protective services are “false” and “not supported by even ‘some credible evidence.’”

73. The allegations in this Paragraph constitute conclusions of law to which no response is required. To the extent a response is required, Defendants state that N.Y. Soc. Serv. L. § 412(6) speaks for itself.

74. The allegations in this Paragraph constitute conclusions of law lacking citation to any authority to which no response is required.

75. The allegations in this Paragraph constitute conclusions of law lacking citation to any authority to which no response is required.

76. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

77. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

78. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

79. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

80. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

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86. Denied.

87. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a

response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

88. Denied.

89. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

90. The allegations contained in this Paragraph constitute a summary from Plaintiffs' point of view of a report prepared by a non-profit, The Bronx Defenders, to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

91. The allegations contained in this Paragraph constitute a summary from Plaintiffs' point of view of a report prepared by a non-profit, The Bronx Defenders, to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

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93. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

94. Defendants lack knowledge of information sufficient to form a belief as to the true of the allegations set forth in this Paragraph.

95. Defendants lack knowledge of information sufficient to form a belief as to the true of the allegations set forth in this Paragraph.

96. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

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response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

101. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

102. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

103. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

104. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

105. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

106. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

107. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations in this Paragraph.

108. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

109. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

110. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

111. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

112. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a

response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

113. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

114. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

115. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

116. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

117. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

118. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

119. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this Paragraph.

FIRST CAUSE OF ACTION

(42. U.S.C. § 1983 – Due Process, Unlawful Search and Seizure, Interference with Intimate Association, and Denial of equal Protection of Laws Against All Defendants on Behalf of Plaintiff and Infant Plaintiff)

120. Defendants incorporate their answers contained in preceding Paragraphs 1 through 119 as if fully set forth herein.

121. The allegations in this Paragraph, to the extent they are stated against Montefiore and support Plaintiff's equal protection claim against Montefiore, are not relevant in light of the Court's decision on Defendants' motion to dismiss. Otherwise, denied.

122. The allegations in this Paragraph are not relevant to the extent they support Plaintiff's equal protection claim against Montefiore in light of the Court's decision on Defendants' motion to dismiss. Otherwise, denied.

123. Denied.

124. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

125. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

126. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

127. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

128. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

129. Denied to the extent the allegations are claimed against Deleon. To the extent the allegations are claimed against Montefiore, they are not relevant in light of the Court's decision on Defendants' motion to dismiss the equal protection claim against Montefiore.

130. To the extent the allegations are claimed against Montefiore and support Plaintiff's equal protection claim against Montefiore, they are not relevant in light of the Court's decision on Defendants' motion to dismiss the equal protection claim against Montefiore. Otherwise denied.

131. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

132. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

133. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

134. Denied.

135. Denied

136. Denied.

SECOND CAUSE OF ACTION

(42. U.S.C. § 1983 – Inadequate Training and Supervision Against Defendants City and Faulk Jean-Pierre on Behalf of Plaintiff and Infant Plaintiff)

137. Defendants incorporate their answers contained in preceding Paragraphs 1 through 136 as if fully set forth herein.

138. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

139. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

140. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

141. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

142. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

143. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

144. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

145. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

THIRD CAUSE OF ACTION

(42. U.S.C. § 1983 – Malicious Prosecution Against Defendants City, Faulk Jean-Pierre, Rendon, and Lafontant on Behalf of Plaintiff)

146. Defendants incorporate their answers contained in preceding Paragraphs 1 through 145 as if fully set forth herein.

147. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

148. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

149. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

150. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

151. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

152. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

153. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

154. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

155. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

156. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

157. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

FOURTH CAUSE OF ACTION
(Negligence Under New York Common Law Against All Defendants on Behalf of Plaintiff and Infant Plaintiff)

158. Defendants incorporate their answers contained in preceding Paragraphs 1 through 157 as if fully set forth herein.

159. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

160. Paragraph 160 contains conclusions of law to which no response is required. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in Paragraph 160.

161. Denied.

162. Denied.

163. Denied.

164. Denied.

165. Denied.

FIFTH CAUSE OF ACTION
(False Imprisonment Under New York Law Against All Defendants on Behalf of Infant Plaintiff)

166. Defendants incorporate their answers contained in preceding Paragraphs 1 through 165 as if fully set forth herein.

167. The allegations contained in this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

168. Paragraph 168 contains conclusions of law to which no response is required. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in Paragraph 168.

169. Denied as to the allegations in sentence one of this Paragraph. The allegations contained in sentence two of this Paragraph related solely to former co-defendants who are no longer parties to this action and therefore a response is not required. To the extent a response is required, Defendants deny the allegations.

170. Denied.

171. Denied.

172. Denied.

SIXTH CAUSE OF ACTION
(Interference with Child Custody Under New York Law Against All Defendants on Behalf of Plaintiff)

173. Defendants incorporate their answers contained in preceding Paragraphs 1 through 172 as if fully set forth herein.

174. Denied.

175. Denied.

WHEREFORE, Defendants demand judgment in their favor and against Plaintiffs, dismissing the remainder of Plaintiffs' First Amended Complaint, together with an award of costs and disbursements incurred by Defendants, including attorneys' fees, together with such other relief in Defendants' favor as this Court deems just and proper.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

1. Some or all of Plaintiffs' claims are or may be barred to the extent Defendants were not state actors.

SECOND AFFIRMATIVE DEFENSE

2. Some or all of Plaintiffs' claims are or may be barred based on lack of duty between Plaintiffs and Defendants.

THIRD AFFIRMATIVE DEFENSE

3. Some or all of Plaintiffs' claims are or may be barred based on lack of a breach of duty between Plaintiffs and Defendants.

FOURTH AFFIRMATIVE DEFENSE

4. Some or all of Plaintiffs' claims are or may be barred based on lack of causation between any alleged conduct by one of the Defendants and the alleged damages.

FIFTH AFFIRMATIVE DEFENSE

5. Some or all of Plaintiffs' claims are or may be barred based on Defendants' lack of intent to confine L.W.

SIXTH AFFIRMATIVE DEFENSE

6. Some or all of Plaintiffs' claims are or may be barred based on L.W.'s lack of consciousness of any alleged confinement.

SEVENTH AFFIRMATIVE DEFENSE

7. Some or all of Plaintiffs' claims are or may be barred based on Defendants' lack of confinement of L.W.

EIGHTH AFFIRMATIVE DEFENSE

8. Some or all of Plaintiffs' claims are or may be barred based on Defendants' lack of interference with Walston's custody of L.W.

NINTH AFFIRMATIVE DEFENSE

9. Carmen Deleon, sued in her individual capacity, is qualifiedly immune from the suit under state law.

TENTH AFFIRMATIVE DEFENSE

10. Carmen Deleon, sued in her individual capacity, is qualifiedly immune from the suit under federal law.

ELEVENTH AFFIRMATIVE DEFENSE

11. The Amended Complaint fails to state a claim upon which relief can be granted.

TWELFTH AFFIRMATIVE DEFENSE

12. Some or all of Plaintiff's claims are or may be time-barred to the extent those claims arose outside the applicable statutes of limitations.

Dated: New York, New York
April 15, 2024

By: /s/ Jolie Apicella
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CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2024, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Jolie Apicella
Jolie Apicella